

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Assessment and Collection of  
Regulatory Fees for Fiscal Year 2013

MD Docket No. 13-140

Procedures for Assessment and  
Collection of Regulatory Fees

MD Docket No. 12-201

Assessment and Collection of  
Regulatory Fees for Fiscal Year 2008

MD Docket No. 08-65

**REPLY COMMENTS OF GOOGLE FIBER INC.**

Google Fiber Inc. (“Google Fiber”) hereby responds to comments filed in the above-captioned proceeding.<sup>1</sup> In the *Notice*, the Commission asks “whether IPTV is sufficiently similar to cable services to be included in the same regulatory fee category and to be assessed regulatory fees in the same manner.”<sup>2</sup> If the Commission finds it appropriate to assess regulatory fees on IPTV providers, it should set a per subscriber fee that equitably allocates burdens across different classes of MVPDs, commensurate with the agency’s allocation of its own

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<sup>1</sup> *In re Assessment and Collection of Regulatory Fees for Fiscal Year 2013, Procedures for Assessment and Collection of Regulatory Fees, Assessment and Collection of Regulatory Fees for Fiscal Year 2008*, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, FCC 13-74 (rel. May 23, 2013) (“*Notice*”).

<sup>2</sup> *Id.* ¶ 37.

resources. Establishment of such a fee does not require misplacing IPTV services in the Cable TV System category.<sup>3</sup>

Contrary to assertions by some commenters, the Media Bureau has fewer responsibilities with regard to IPTV providers than cable operator;<sup>4</sup> any regulatory fee on IPTV providers must reflect this lighter burden.<sup>5</sup> For instance, substantial Media Bureau resources are allocated to determining whether rate-regulated cable operators face effective competition. The Bureau reviews effective competition petitions filed by cable operators covering approximately 1,000 communities annually.<sup>6</sup> Other statutory provisions administered by the Bureau, by their express language, likewise apply only to cable operators.<sup>7</sup>

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<sup>3</sup> See Comments of AT&T at 4-5 (filed June 19, 2013).

<sup>4</sup> See Comments of American Cable Association at 6-8 (filed June 19, 2013) (“ACA Comments”).

<sup>5</sup> 47 U.S.C. §159(b)(1) (Commission must “take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission’s activities” in deriving regulatory fees).

<sup>6</sup> See *In re Implementation of Section 3 of the Cable Television Consumer Protection and Competition Act of 1992, Statistical Report on Average Rates for Basic Service, Cable Programming Service, and Equipment*, Report on Cable Industry Prices, MM Dkt. No. 92-266, DA 13-1319, ¶ 7 (rel. June 7, 2013) (noting that there were “9,464 communities granted an effective competition finding” as of January 1, 2012); *In re Implementation of Section 3 of the Cable Television Consumer Protection and Competition Act of 1992, Statistical Report on Average Rates for Basic Service, Cable Programming Service, and Equipment*, Report on Cable Industry Prices, 27 FCC Rcd 9326, ¶ 7 (2012) (“8,508 communities granted an effective competition finding” as of January 1, 2011); *In re Implementation of Section 3 of the Cable Television Consumer Protection and Competition Act of 1992, Statistical Report on Average Rates for Basic Service, Cable Programming Service, and Equipment*, Report on Cable Industry Prices, 27 FCC Rcd 2427, ¶ 8 (2012) (“7,308 communities granted an effective competition finding” as of January 1, 2010).

<sup>7</sup> See, e.g., 47 U.S.C. § 532 (commercial leased access); 47 U.S.C. § 548 (competitive access to programming).

The “unique additional requirements specific to the historic regulation of cable systems and technology”<sup>8</sup> thus remain germane to determining the appropriate allocation of regulatory fees. Indeed, the Commission must be careful not to assess fees on new services that are based instead on the agency’s legacy regulatory duties. Doing so would violate the cost-allocation requirements in Section 9 of the Act, and also disfavor new communications services that the Commission should promote.

Respectfully submitted,

A handwritten signature in cursive script that reads "Megan Anne Stull".

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June 26, 2013

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<sup>8</sup> ACA Comments at 8.